

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

DANA LYNN EVERETT,

Plaintiff,

v.

Case No. 8:20-cv-1242-T-33JSS

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER**

This matter comes before the Court sua sponte. Because pro se Plaintiff Dana Lynn Everett has not sent the Clerk's Office all the necessary forms to serve the Commissioner of Social Security and has insufficiently filled out the one form she did return, the Court takes this opportunity to explain the necessity of these forms.

The Clerk's Office has informed the Court that Everett was sent the three "Summons in a Civil Action" forms that she was required to complete and return to the Clerk by September 30, 2020. However, Everett has only returned one "Summons in a Civil Action" form addressed to the Commissioner of Social Security at an address for the Social Security Administration in Tampa, Florida. This form is not sufficiently filled out.

First, Everett did not include her address on the "Summons in a Civil Action" form, as required. Second, Everett included the incorrect address for the Commissioner of Social Security. The form should be addressed to:

Commissioner of Social Security  
c/o Office of the Regional Chief Counsel, Region IV  
Social Security Administration  
Atlanta Federal Center  
61 Forsyth Street S.W., Suite 20T45  
Atlanta, GA 30303-8920

Additionally, two other "Summons in a Civil Action" forms must be completed and returned to the Clerk to enable proper service on the Commissioner of Social Security.

Service of process on the United States, its agencies, and its employees, sued in their official capacities, is governed by Federal Rule of Civil Procedure 4(i) which states:

(1) United States. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought – or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk – or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, **a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.**

Fed. R. Civ. P. 4(i) (emphasis added).

Because Everett is suing the Commissioner of Social Security (a federal employee sued in an official capacity), service is only proper if a copy of the summons and complaint is served on three entities: the United States Attorney for the Middle District of Florida, the Attorney General of the United States, and the Commissioner of Social Security. Each "Summons in a Civil Action" form should be addressed to a different entity: one for the Commissioner of Social Security, one for the United States Attorney for the Middle District of Florida, and one for the Attorney General of the United States.

Thus, in addition to sending in a complete "Summons in a Civil Action" form for the Commissioner, Everett needs to fill out and send to the Clerk two more "Summons in a Civil Action" forms — one for the United States Attorney for the

Middle District of Florida, and one for the Attorney General of the United States.

The address for the Attorney General of the United States is:

Commissioner of Social Security  
c/o United States Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

The address for the United States Attorney for the Middle District of Florida is:

Commissioner of Social Security  
c/o United States Attorney's Office  
400 North Tampa Street, Suite 3200  
Tampa, FL 33602

The U.S. Marshal cannot serve the Commissioner of Social Security until Everett sends in three properly completed forms. Accordingly, if Everett still wishes to pursue her claim against the Commissioner of Social Security, she should complete and return three "Summons in a Civil Action" forms to the Clerk by October 5, 2020. The deadline for the U.S. Marshal to serve the Commissioner remains October 30, 2020.


Accordingly, it is

**ORDERED, ADJUDGED and DECREED:**

If pro se Plaintiff Dana Lynn Everett still wishes to pursue her claim against the Commissioner of Social Security,

she should complete and return three "Summons in a Civil Action" forms to the Clerk by **October 5, 2020**. The Clerk is directed to send copies of the necessary forms to Everett along with this order.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 24th day of September, 2020.

  
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VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE